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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,765	03/15/2004	Hsi-Ching Chang		8638

7590 08/11/2005
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EXAMINER

ELKINS, GARY E

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,765

Applicant(s)

CHANG, HSI-CHING

Examiner

Gary E. Elkins

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6, “two opposite sidewalls” is a double inclusion insofar as the sidewalls were previously introduced into the claim.

In claim 1, lines 6 and 7, it is unclear how the two opposite sidewalls which communicate with the elongate slots are perpendicular to the main ridge, i.e. they appear to be parallel as shown in the drawings.

In claim 1, line 11, “the first side plates” lacks antecedent basis in the claim. These elements were previously referred to as connection plates.

In claim 1, line 12, “the side wall” is unclear insofar as four sidewalls were previously set forth, i.e. which of the four is being referred to.

In claim 1, lines 11 and 12, it is unclear how each of the separation ridges is attached to an inside of the sidewall and the main ridge when only a single connection plate has been defined in the claim. It would appear that two connection plates per separation ridge would be required, as disclosed.

In claim 2, lines 2 and 3, “a V-shaped opening defined through the sidewalls and the main ridge” is unclear with respect to how a single opening is defined through all four sidewalls and the main ridge. It would appear that a plurality of V-shaped openings are defined in only two of the sidewalls and the main ridge.

In claim 3, it is unclear how a plurality of “separation ridges are a V-shaped ridge”. This is grammatically and logically unclear.

In claims 3 and 4, it is unclear what is being claimed. The preamble indicates that a container is claimed. However, the phrases “which is sized to be engaged with the second groove” and “which is sized to be engaged with the first groove” implies that the container has not yet been formed, i.e. if the container is claimed, the ridges would already be engaged with the first and second grooves.

In claims 3 and 4, it is unclear how the ridges are “engaged” or “sized to be engaged” with the grooves. It would appear that the ridges form the grooves within the bottom rather than engage preexisting grooves.

Allowable Subject Matter

2. Claims 1-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

3. The following claims are drafted by the examiner and considered to distinguish patentably over the art of record in this application and, as best understood, correct the indefiniteness noted above. These claims are presented to applicant for consideration:

Proposed claims:

1. (Currently Amended) A paperboard-made food container comprising:

a base (20) having four sidewalls (22) and a main ridge (23) extending from an inner bottom of the base (20), a first groove (230) defined in an outer bottom of the base (20) and located in correspondence with the main ridge (23), a plurality of elongated slots (24) defined through the

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bottom of the base (20) and communicating with two opposite of said four sidewalls (22) perpendicular to the elongate slots (24) and parallel to the main ridge, and

a plurality of separation ridges (30) each including two side plates having lengthwise sides and ends [which are connected at one lengthwise side], each side plate of each of said separation ridges being connected at one of said lengthwise sides, each side plate having a first connection plate (31) at [an] each end thereof and a second connection plate (32) at [the other lengthwise side] another of the lengthwise sides, the first [side] connection plates (31) of each of the separation ridges attached to an inside of one of the sidewalls [the sidewall] (22) and the main ridge (23), the second connection plates attached to the inner bottom of the base (20).

2. (Currently Amended) The container as claimed in claim 1, wherein

the elongate slots (24) communicate with [a] V-shaped openings (26) defined through two of the sidewalls (22) and the main ridge (23), a plurality of V-shaped second grooves (300) defined in the outer bottom of the base (20) and communicating with the V-shaped openings (26).

3. (Currently Amended) The container claimed in claim 2, wherein

the separation ridges (23) are V-shaped [ridge which is sized to be engaged with] ridges forming the second [groove] grooves (300) in the container.

4. (Currently Amended) The container claimed in claim 1, wherein

the main ridge (23) is a V-shaped ridge [which is sized to be engaged with] forming the first groove (230) in the container.

Conclusion

The remaining cited prior art is illustrative of the general state of the art.

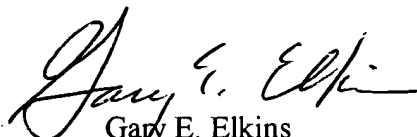
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In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (571)273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. Also, copies of an office action or other file information may be obtained from the Private PAIR system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (571)272-4537. The Examiner can normally be reached Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Nathan Newhouse can be reached at (571)272-4544.


Gary E. Elkins
Primary Examiner
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